

REMARKS

1. Status of the claims.

Claims 20, 21, 40 and 41, as amended, and new claims 42 and 43 are pending.

Applicant has amended the specification to delete the embedded hyperlink, pursuant to MPEP 608.01. Applicant's representative has reviewed the specification and confirmed no other instance of an embedded hyperlink.

2. The claims as amended fulfill the requirements of 35 U.S.C. §112.

Claims 20 and 21 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite in reciting genes by their art-accepted names. The Action suggests that there may be more than one gene having the same common name, and that this possibility renders the claims indefinite.

Applicant respectfully contends that the gene names recited in the claims would be understood by one having ordinary skill in the art. However, although not acquiescing to the asserted grounds of rejection, Applicant has amended the claims to recite the GenBank Accession Number for each of these genes. These genes were known in the GenBank database on or before the filing date of the instant application, and thus would have been within the knowledge and skill of one having ordinary skill in the art.

The claims are also rejected under 35 U.S.C. §112, second paragraph as being indefinite for reciting additional identifying designations in parentheses after the art-recognized name. Applicant having amended the claim to recite the GenBank Accession Number, these additional identifying designations are not necessary and accordingly Applicant has deleted them.

3. The claims as amended are not anticipated by the cited prior art.

Claims 20 and 21 stand rejected under 35 U.S.C. 102(b) for being anticipated by the disclosure of the Cheng reference. Applicant notes that the reference, which is an English-language abstract of a scientific reference published in Chinese, discloses merely increased expression of tissue plasminogen activator in ovarian cancer tumor samples. Applicant has amended the claims to recite limitations that do not encompass detection of increased plasminogen activator expression in ovarian tumor samples. Applicant thus respectfully contend that the claims as amended are not anticipated by the Cheng reference.

Claims 20 and 21 stand rejected under 35 U.S.C. 102(b) for being anticipated by the disclosure of the Dachner reference. Applicant notes that the grounds of this rejection are related, according to the express statements in the Action, to the indefiniteness rejection discussed above. Applicant having amended the claims to clarify the asserted indefiniteness, Applicant respectfully contends that the claims as amended are not anticipated by the Dachner reference.

CONCLUSION

Applicant respectfully contends that the asserted grounds of rejection have been overcome by amendment, and respectfully solicits allowance of the pending claims.

If the Examiner in charge of this application believes it to be helpful, he or she is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Respectfully submitted,
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